

Minutes
Air Pollution Control Board
Indiana Government Center South
Conference Room A
402 West Washington Street
Indianapolis, Indiana

February 7, 2007
12:58 p.m.

1. Dr. James Miner, Chairman, called the meeting to order.
He noted that a quorum was present. **CALL TO ORDER
QUORUM**
2. Chairman Miner introduced the board members. **INTRODUCTION OF
MEMBERS**

Present: Dr. James Miner, Chairman
Mr. Kurt Anderson
Mr. Thomas Anderson
Mr. John Bacone, Proxy, Department of Natural Resources
Mr. David Benshoof
Mr. Steve Boyce, Proxy, Lt. Governor
Mr. Howard Cundiff, Proxy, State Board of Health
Mr. Mark Flint
Ms. Pamela Fisher, Proxy, Indiana Economic Development Corp.
Mr. Chris Horn
Mr. Randy Staley
Dr. Phil Stevens

Also present were Ms. Kathy Watson, Air Programs Branch Chief. Others present are recorded on a separate sheet and made a part of this record. A court reporter was present and a transcript is available for review.

Dr. Miner introduced new air pollution control board member, Mark Flint, who will be representing local government.

Mr. Flint stated that he was in his second term as a Pike County Commissioner. Mr. Flint also works as the manager of governmental affairs and employee relations with the Indianapolis Power and Light company.

Dr. Miner introduced Steve Boyce, who will be the proxy for the Lieutenant Governor.

3. Ms. Watson stated that the EQSC had directed IDEM's rulemaking on outdoor wood boilers not resume until U.S. EPA had issued model state regulations. Within two weeks of this directive, U.S. EPA had announced a voluntary outdoor wood fired hydronic heaters program. In addition, NESCAUM, which is the northeast states air quality planning group, developed a model state rule in conjunction with U.S. EPA. Ms. Watson stated that IDEM will begin drafting rule language for a second notice of rulemaking based on the NESCAUM model rule.

REPORTS

Ms. Watson gave a report on current and pending rulemakings.

Dr. Stevens gave an update on the mercury study group. He stated that the goal of the group is not to develop any policy options but to come up with a list of factors that stakeholders hopefully will agree on to present to the Board as a summary on some of the current issues. Dr. Stevens stated that this group will have a document submitted to the air pollution control board by March, 2007, prior to the preliminary adoption of the Clean Air Mercury Rule.

4. Chairman Miner introduced the October 19, 2006, Air Pollution Control Board minutes.

MINUTES

Mr. T. Anderson moved to adopt the October 19, 2006, Air Pollution Control Board's minutes. Mr. Benshoof seconded. The motion passed unanimously.

Chairman Miner introduced the November 1, 2006, Air Pollution Control Board minutes.

Mr. Horn moved to adopt the November 1, 2006 Air Pollution Control Board's minutes. Mr. Staley seconded. The motion passed unanimously.

Chairman Miner introduced the December 6, 2006, Air Pollution Control Board minutes.

Dr. Stevens moved to adopt the December 6, 2006, Air Pollution Control Board's minutes. Mr. T. Anderson seconded. The motion passed unanimously.

5. Chairman Miner introduced Exhibit 1, the proposed rule as preliminarily adopted, into the record of the hearing.

Mr. Dan Murray, Assistant Commissioner, OPPTA, gave an overview of the Environmental Stewardship Program and explained that Indiana wanted to take the program not only through the legislative process to have statutory authority for this program, but in agency rules as well. He stated that Indiana is the only state to go through both of these processes for such an environmental leadership program. Mr. Murray stated that IDEM has added flexibility for how organizations would apply the program based on their structure, corporate or facility based, increased accountability on the part of the members and the agency, and increased reporting by the agency and members, allowing more information for public access. Mr. Murray informed the board that the process has attained the goal of bringing stakeholders together and forming a program that makes sense for those interested as well as providing a level of accountability that should be required of a program such as this one. Mr. Murray stated that no comments were received during the third comment period and that the rule is unchanged from preliminary adoption.

**PUBLIC HEARING
FOR FINAL
ADOPTION OF NEW
ARTICLE, 326 IAC 25,
Environmental
Stewardship Program.
Voluntary Performance
Based Leadership
Programs.**

LSA #05-232

Mr. K. Anderson moved to final adopt new article 326 IAC 25. Dr. Stevens seconded. The motion passed unanimously 12-0.

6. Chairman Miner introduced Exhibit 2, the proposed rule as preliminarily adopted, into the record of the hearing.

Ms. Watson stated that this rule puts into effect the termination of the program for inspection and maintenance of vehicles in Clark and Floyd counties because sufficient improvements in air quality have occurred due to reductions in nitrogen oxides and volatile organic compounds to the extent that this program is no longer necessary. Ms. Watson stated that there were no changes to the rule since its preliminary adoption and asked the board for final adoption.

**PUBLIC HEARING
FOR FINAL
ADOPTION OF
AMENDMENTS TO
326 IAC 13-1.1.
Elimination of the
Inspection and
Maintenance Program
in Clark and Floyd
Counties.**

LSA #06-285

Mr. Bacone moved to final adopt amendments to rule 326 IAC 13-1.1 as proposed. Mr. Cundiff seconded. The motion passed unanimously 12-0.

7. Chairman Miner introduced Exhibit 3, the proposed rule as preliminarily adopted, into the record of the hearing.

Ms. Watson stated that this rulemaking updates References to the Code of Federal Regulations throughout Title 326, to mean the 2006 version of the Code of Federal Regulations. Ms. Watson informed the board that there were no changes from preliminary adoption and asked the board to final adopt the rule.

Mr. T. Anderson moved to final adopt amendments to rule 326 IAC 1-1-3. Mr. K. Anderson seconded. The motion passed unanimously 12-0.

**PUBLIC HEARING
FOR FINAL
ADOPTION OF
AMENDMENTS TO
326 IC 1-1-3.
2006 Annual Update to
the References to the
Code of Federal
Regulations.**

LSA #06-412

8. Chairman Miner introduced Exhibit 4, the proposed rule as preliminarily adopted, into the record of the hearing.

Ms. Watson stated that this rule is the adoption of federal rules concerning emissions from municipal solid waste combustors. The only source that the rule applies to is Covanta, located in Indianapolis, Indiana. Covanta is in compliance with this rule. Ms. Watson informed the board that there were no changes since its preliminary adoption. Ms. Watson asked the board to final adopt the rule.

Mr. Cundiff moved to adopt amendments to rule 326 IAC 11-7. Mr. Benshoof seconded. The motion passed unanimously 12-0.

**PUBLIC HEARING
FOR FINAL
ADOPTION OF
AMENDMENTS TO
326 IAC 11-7.
Municipal Solid Waste
Combustors.**

LSA #06-434

9. Chairman Miner introduced Exhibit 5-A, the proposed rule as preliminarily adopted with IDEM's suggested changes, and Exhibit 5-B, the proposed rule as preliminarily adopted, into the record of the hearing.

Ms. Watson stated that this rulemaking incorporates into state rules federal rules addressing small solid waste incinerators. Ms. Watson said that there were some minor technical corrections to the preliminarily adopted rule. Ms. Watson asked the board to final adopt the rule.

Mr. T. Anderson moved to final adopt amendments to new rule 326 IAC 11-9 as proposed. Mr. K. Anderson seconded. The motioned carried unanimously.

**PUBLIC HEARING
FOR FINAL
ADOPTION OF NEW
RULE 326 IAC 11-9.
Other Solid Waste
Incinerator Rule.**

LSA #06-437

Mr. Horn moved to final adopt new rule 326 IAC 11-9. Mr. Benshoof seconded. The motion passed unanimously 12-0.

10. Chairman Miner stated that this public hearing will be opened and continued to the next meeting of the air pollution control board on March 7, 2007, at the Indiana Government South, Conference Room A, 402 West Washington, Indianapolis, Indiana at 1:00 p.m.

**OPENING AND
CONTINUATION OF
PUBLIC HEARING
FOR TEN-YEAR
RENEWAL TERM
FOR FEDERALLY
ENFORCEABLE
STATE OPERATING
PERMITS AND
MINOR SOURCE
OPERATING
PERMITS**

LSA #06-487(APCB)

11. Chairman Miner introduced Exhibit 6, the draft emergency rule, into the record of the hearing.

Chairman Miner stated that no public hearing is required for adoption of emergency rules.

**EMERGENCY RULE
Redesignation of Allen
County to Attainment
for the 8-hour ozone
standard**

Mr. John Nixon, Attorney, IDEM's Office of Legal Counsel, stated that U.S. EPA had redesignated Allen County as attainment for the eight-hour ozone standard. The federal rule will be final on February 12, 2007. Mr. Nixon, stated that IDEM is asking the board to adopt the attainment redesignation as an emergency rule, so that when the federal rule is final and effective, the state rules will reflect this attainment status as well. He stated that the regular rulemaking to change the attainment is scheduled to come before the board next month March 2007 and that IDEM's plan is to have the rulemaking ready for final adoption in May 2007. He also stated that with the current schedule, it appears that the emergency rule would only have to be readopted once before the regular rule becomes effective. This will assure a seamless transition from the emergency rule to the regular rule that will reflect Allen County's status as attainment for the eight-hour ozone standard. Mr. Nixon stated that IDEM would submit the emergency rule to Legislative Services on the date the federal rule becomes effective.

Dr. Stevens moved to adopt the emergency rule. Mr. Benshoof seconded. The motioned carried unanimously.

12. Chairman Miner announced that the next meeting was tentatively scheduled for Wednesday, March 7, 2007, at 1:00 p.m, Indiana Government Center South, 402 West Washington, Indianapolis, Indiana in Conference Room A.

NEXT MEETING

13. Mr. Staley moved to adjourn the meeting. Mr. Benshoof seconded. The vote was unanimous. Chairman Miner adjourned the meeting at 1:48 p.m.

ADJOURNMENT

James Miner, Chairman

These minutes were taken from the February 7, 2007, transcript, and were written on May 15, 2007, by Karol T. Chuma, Office of Air Quality.